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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,294	06/24/2003	Stephen Lodwick	MS#302668.01 (5065)	3260
321	7590	01/04/2007		
SENNIGER POWERS ONE METROPOLITAN SQUARE 16TH FLOOR ST LOUIS, MO 63102			EXAMINER CHAVIS, JOHN Q	
			ART UNIT	PAPER NUMBER
			2193	
SHORTENED STATUTORY PERIOD OF RESPONSE		NOTIFICATION DATE	DELIVERY MODE	
3 MONTHS		01/04/2007	ELECTRONIC	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/04/2007.

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uspatents@senniger.com

<b>Office Action Summary</b>	Application No. 10/603,294	Applicant(s) LODWICK ET AL.	
	Examiner John Chavis	Art Unit 2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, and 4-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amatsu et al. (5,471,615) and further in view of Microsoft Windows Server 2000, white paper (MWS2K).

#### Claims

1. A system for a distributed build comprising:

a first computer maintaining a list of jobs, each of said jobs having an operation associated with creation of an installed software image;

#### Amatsu/MWS2K

See the title and the abstract of Amatsu. Also, see col. 1 lines 21-30.

See col. 4 lines 24-32, which indicates that the front end processor (first computer) specifies which files are to be used (maintains a list of needed to execute jobs and inherently maintain a list of jobs for control purposes (see col. 4 lines 33-59). Amatsu also provides for his system to function as if programs were executed locally, col. 2 lines 52-col. 3 lines 2. Therefore, it is considered that anything that could be executed locally could be delegated to the remote system and have the results (including and installed image) returned, see col. 6 lines 43-48.

However, assuming the applicant still believes the installed image is not created by Amatsu, just because Amatsu does not specifically state that

an image is created, MWS2K provides for the feature via the first complete paragraph on page 16 and the last two complete paragraphs on page 16, which provides for remote installation of images by imaging or cloning (creating remotely, for example on a server, and installing, for example on a client) via a list to ensure the appropriate version of software is installed, see the first three complete paragraphs of page 16.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to Provide remote imaging to Amatsu's system for the same reason to ensure the appropriate version of created software is installed for each system.

a second computer accepting one of the jobs from the first computer and

executing the accepted job by performing the operation associated therewith,

wherein the second computer in response to accepting one of the jobs creates the installed software image by configuring and imaging software and delivers the created image to the first computer.

4. The system of claim 1, wherein the operation comprises installing, configuring, and imaging the software image.

5. The system of claim 1, further comprising a master computer through which the second computer

See Amatsu's col. 6 lines 43-48.

" " " "

See again the cited portions for the "first computer...with creation of an installed software image" above.

" " " "

" " " "

accepts one of the jobs from the first computer.

In reference to claims 6-14, 19 see the rejection of claims 1 and 4-5.

As per claim 15, the feature is not taught by Amatsu; however, see the first full paragraph on page 5 (MWS2K); see also steps 5 and 6 On page 7. The feature is used in MWS2K to ensure the correct version of software is available to the appropriate user. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to utilize the feature in Amatsu's system for the same reason.

The features of claims 16-18 are not taught by Amatsu; however, they are taught via the section entitled "Remote Installation Services..." (MWS2K) on page 10, which enables setting of properties (for example, priorities) on individual servers that control how servers supply remote installation services to requesting clients to provide remote management. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to utilize the feature in Amatsu's system for the same reason.

In reference to claim 20, see Amatsu's col. 10 lines 18-22 which provides for a connect request handshake; however, he does not specifically indicates that authentication credentials are provided; however, the first paragraph of page 15 of MWS2K provides for the feature to ensure the user is authorized to have the requested information installed. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to utilize this feature in Amatsu's system for the same reason.

As per claim 21, see the "series of job steps" in Amatsu's col. 4 lines 60-61 and also see MWS2K, which is also considered to provide the feature via his automatic setup feature on page 15.

Claims 22-26 are taught via claim 1 above.

The features of claims 27-44 and 45-58 are taught via claims 1 and 4-21 above.

### ***Conclusion***

3. Applicant's arguments with respect to claims 1 and 4-58 have been considered but are moot in view of the new ground(s) of rejection.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Chavis whose telephone number is (571) 272-3720. The examiner can normally be reached on M-F, 8:00am-4:30pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC



John Chavis  
Primary Examiner AU-2193